

STAND. COM. REP. NO. 779

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 189
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 189 entitled:

"A BILL FOR AN ACT RELATING TO DESIGNATING SUBSTITUTE JUDGES ON THE INTERMEDIATE COURT OF APPEALS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Chief Justice of the Supreme Court of Hawaii to designate circuit court judges, retired intermediate appellate judges, or retired Supreme Court justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that the Intermediate Court of Appeals originally consisted of a chief judge and two associate judges. Your Committee further finds that the number of judges on the Intermediate Court of Appeals has since been increased to six as a result of significant increases in the court's caseload. Your Committee additionally finds that existing law requires the Intermediate Court of Appeals to decide cases in panels of no fewer than three judges, and only allows the Chief Justice of the Supreme Court of Hawaii to designate temporary appellate judges if vacancies, disqualifications, or a combination of the two reduces the court to two or fewer available judges. This measure will



give the Intermediate Court of Appeals the ability to continue meeting the court's substantial and complex caseload by authorizing the Chief Justice to designate judges to fill any temporary vacancy on the court.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 189, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



